

SECTION 2332: SPECIAL LAND USES AND PLANNED UNIT DEVELOPMENTS

1. The Planning Commission shall have the power to review and in some cases approve applications as authorized by State law or the following sections of this ordinance: Sections 401, 515, 601, 602, 701, 702, 801, 802, 901, 902, 1001, 1002, 1101, 1102, 1202, 1301, 1302, 1401, 1402, 1501, 1502, 1601, 1602, 1701, 1702, 1801, 1802, 1901, 1902, 2001, 2002, 2101, 2317. A best faith effort shall be made by the Planning Commission to process petitions for Special Uses and preliminary Planned Unit Developments within 60 days. In the case of final Planned Unit Development plans, the City Commission, after receiving a recommendation from the Planning Commission, shall approve, deny or approve with conditions the petition within 60 days.

2. Applications, Filing Procedures, Fees

An application shall be filed with the Zoning Administrator who shall, in the case of Planned Unit Developments, contain a statement of the cost thereof, who shall transmit the same, together with plans, specification and other papers pertaining to the application to the Planning Commission.

Such application shall be heard within a reasonable time as prescribed by the rules and regulations of the Planning Commission and State law.

The Zoning Administrator shall not receive any application without payment by the applicant to the City Treasurer of the applicable fees as specified in the City's Master Fee Schedule as adopted by a resolution of the City Commission and in effect at the time of applications.

3. Hearings and Notices

After receipt of an application for a Special Land Use or PUD, a notice shall be published in a newspaper of general circulation. In addition to such notice, a notice shall also be served personally or by mail to all owners of real property of all structures within three hundred (300) feet of the property in question. Such notice shall be given fifteen days prior to the hearing. If the owner is not known, the term occupant may be used in making notification. The notice shall include:

- a. The nature of the Special Land Use request.
- b. A description of the property which is the subject of the Special Land Use request.
- c. The location and date of the hearing.
- d. Where and when written comments will be received.

Any party may appear at such hearing in person or by agent or attorney.

4. Discretionary decisions, standards, and conditions

Consistent with the City or Village Zoning Enabling Act (PA, 207, 1921, and amended), the Planning Commission shall approve, deny or approve with conditions applications for Special Use or activities. The standards upon which decisions are made shall be consistent with, and promote the intent and purpose of the Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The decision on a Special Land Use or activity shall be incorporated in a statement of conclusions and be placed on file with the Department of Planning.

The Planning Commission shall review the application after proper notice has been given as required by State law and this Ordinance. The Planning Commission shall base its decisions upon review of the individual standards pertaining to that Special Land Use or activity and the general standards of Section 2332. The Planning Commission may grant approval of the application with any conditions it may find necessary, or it may disapprove the application. Upon approval of a Special Use, the Building Official shall issue any necessary permits.

5. Standards for Approval of Discretionary Uses

Prior to authorization of any Special Land Use, the Planning Commission shall give due regard to the nature of all adjacent uses and structures. It shall determine the consistency with the adjacent use and development.

In addition, the Planning Commission shall find that the proposed use or activity would not be offensive, or a nuisance, by reason of increased traffic, noise, vibration, or light. Further, the Planning Commission shall find that adequate water and sewer infrastructure exists or will be constructed to service the Special Land Use or activity.

SECTION 2333: [RESERVED] [amended 4/00]